United Nations A/56/62-S/2001/334

General Assembly
Security Council

Distr.: General
6 April 2001

Original: English

General Assembly
Fifty-sixth session
Item 30 of the preliminary list*
Cooperation between the United Nations and the Organization for Security and Cooperation in Europe

Security Council
Fifty-sixth year

Letter dated 4 April 2001 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the text of a statement of the President of the Republic of Azerbaijan, Mr. Heydar Aliyev, made at the meeting of the Secretary of State of the United States of America, Mr. Colin Powell, with the Presidents of the Republic of Azerbaijan and the Republic of Armenia and co-chairs of the Organization for Security and Cooperation in Europe (OSCE) Minsk Group, in Key West, Florida, United States of America, on 3 April 2001 (see annex).

I should be grateful if you would have the text of the present letter and its annex circulated as a document of the General Assembly, under item 30 of the preliminary list, and of the Security Council.

(*Signed*) Eldar **Kouliev**

* A/56/50.

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Annex to the letter dated 4 April 2001 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General

[Original: Russian]

I should like, first of all, to express appreciation to you, Mr. Secretary of State, for the invitation to visit the United States of America. I thank the United States Administration, the authorities of the city of Key West and all those who have organized this meeting for the hospitality and the excellent conditions for conducting our work.

The special nature of this meeting lies in the fact that, for the first time, the Minsk Group of the Organization for Security and Cooperation in Europe (OSCE) has convened in a format in which the Co-Chairmen of the OSCE Minsk Conference, together with the Presidents of Armenia and Azerbaijan and other participants, propose to discuss the question of the peaceful settlement of the Armenian-Azerbaijani Nagorny Karabakh conflict.

Unfortunately, there was no such format for meetings in the past, and this was, perhaps, one of the reasons why up to this point we have been unable to achieve success. I hope that this meeting will play a positive role in resolving the conflict, which has been continuing for more than 12 years.

The history of the Armenian-Azerbaijani Nagorny Karabakh military conflict is rather well known to the world community. It is not an exaggeration if I say that this is one of the conflicts in the world, which has remained unresolved for a long period of time.

In connection with this, availing myself of the opportunity, I should like to speak briefly about the basic reasons preventing a settlement of the conflict and to express certain views.

It is well known that this conflict arose in connection with territorial claims concerning Azerbaijan on the part of Armenia, which was attempting to seize and annex part of the age-old Armenian land — Nagorny Karabakh. It began in 1988, when Armenia and Azerbaijan were still Union Republics within the Soviet Union. However, as a result of the unjust position taken by the leaders of the Soviet Union with regard to Azerbaijan and, possibly, also an unwillingness to avert the conflict, it developed further and expanded into a war.

I should like to point out that, in 1921, the Azerbaijani Government granted the Nagorny Karabakh region of Azerbaijan the status of an autonomous region, and it enjoyed all the rights of autonomy. Therefore, there were no objective reasons for the start of this conflict. At the time when the conflict began in Nagorny Karabakh, there was a population of 185,000 persons. Of them, 74 per cent were Armenians and 25.2 per cent Azerbaijani.

While seeking to achieve its territorial claims with regard to the neighbouring country, Armenia provoked the separatist, terrorist forces in the Nagorny Karabakh region into engaging in armed confrontation. Then, Armenia itself initiated military aggression against Azerbaijan.

Nagorny Karabakh came fully under the military control of the separatists and the Armenian armed forces, which carried out ethnic cleansing, expelling all

Azerbaijanis from the region — approximately 50,000 persons. This was accompanied by killing and acts of violence. The Azerbaijanis residing in the town of Khojaly were subjected to genocide.

Having occupied Nagorny Karabakh, the Armenian armed forces expanded military operations beyond the Nagorny Karabakh region and occupied, in addition, seven major administrative districts of Azerbaijan.

In this way, by 1993 20 per cent of the territory of Azerbaijan had been seized and is still under occupation by the Armenian armed forces. Everything has been destroyed, pillaged and obliterated in this territory. More than 900 large and small towns, approximately 600 schools, 250 medical institutions, and all museums and historical and cultural monuments have been destroyed.

During the conflict, 30,000 Azerbaijani citizens perished; more than 200,000 were wounded and became invalids; and thousands were captured, seized as hostages and are missing. About 1 million Azerbaijanis, which represents every eighth citizen of the country, have lost their land, and this is the ninth year in which they have been living in tents under intolerably difficult conditions. A new generation has grown up in these tents.

Today, there is no similar case in the world in which one State has occupied the territory of another and has carried out massive ethnic cleansing there, while the world community silently witnesses this tragedy. The legitimate demands of Azerbaijan to restrain the aggressor have not found support.

Ten years ago, on 24 March 1992, the Council of Ministers of the Conference on Security and Cooperation in Europe (CSCE) adopted, at a special meeting in Helsinki, a decision on holding the Minsk Conference in order to achieve a comprehensive settlement of the Armenian-Azerbaijani Nagorny Karabakh conflict. In this way, an international institute on conflict resolution was established. This decision, which defined the Conference's mandate and the structure of the negotiation process, is of exceptional importance.

In 1993, the United Nations Security Council considered, on several occasions, the question of the occupation of the territory of Azerbaijan by Armenian armed forces. Four resolutions were adopted: 822 (1993), 853 (1993), 874 (1993) and 884 (1993).

The Security Council resolutions strongly demanded the immediate and unconditional withdrawal of Armenian armed forces from the occupied Azerbaijani territories and also the establishment of conditions for the return of refugees and displaced persons to their places of residence in their native land. The United Nations categorically supported the sovereignty and territorial integrity of the Republic of Azerbaijan and confirmed that the Nagorny Karabakh region belonged to the Republic of Azerbaijan. The Security Council also supported the mediation activities of the CSCE Minsk Group.

None of these resolutions, however, have been implemented, and the Security Council has still not concerned itself about the implementation of the decisions that it adopted.

A decision to step up the activities of CSCE in connection with the Armenian-Azerbaijani Nagorny Karabakh conflict was adopted in December 1994 at the CSCE Summit in Budapest. The CSCE heads of State defined the stage-by-stage nature of

the settlement and entrusted the Co-Chairmen of the CSCE Minsk Conference with the task of drawing up an agreement on halting the armed conflict. The agreement was to provide for the elimination of the basic consequences of the conflict for all sides and was to become the basis for convening the Minsk Conference. A decision to deploy CSCE multinational peacekeeping forces in the area of the conflict was also taken.

The basic formula for settling the conflict was laid down at the OSCE Summit in Lisbon in December 1996. All the OSCE States members, except the Republic of Armenia, supported the three basic settlement principles, which ensure the territorial integrity of the Republic of Azerbaijan, and the granting to Nagorny Karabakh of the highest degree of self-government within Azerbaijan with security guarantees for its entire population.

In this way, the international community defined the legal basis for a settlement, established a negotiation institute and defined the tasks of the mediators.

Since the Lisbon Summit, the OSCE Co-Chairmen of the Minsk Group have been from three leading States of the world — the Russian Federation, the United States of America and France, in which we have placed great hope in the expectation that their efforts will lead to a settlement of the conflict, the restoration of the territorial integrity of Azerbaijan and the return of the refugees to their places of residence. Unfortunately, however, this has still not come about. Armenia is not carrying out any of the decisions adopted by the United Nations or OSCE.

The Co-Chairmen of the Minsk Group submitted three proposals for settling the Armenian-Azerbaijani Nagorny Karabakh conflict. The first proposal, submitted by them in June 1997, contained a package solution to the conflict, and the second, put forward in November 1997, dealt with a stage-by-stage settlement. In November 1998, the Co-Chairmen submitted a new, third, proposal — a proposal on a "common State".

Azerbaijan accepted the first and second proposals by the Co-Chairmen as the basis for conducting the negotiation process, in spite of the fact that some of their provisions ran counter to the norms and principles of international law and infringed the principle of the territorial integrity of Azerbaijan. In spite of this, however, Armenia refused to accept these proposals, adopting a clearly unconstructive position.

We did not accept the proposal by the Co-Chairmen concerning a "common State". The concept of a "common State", which has no basis in international law, implies that Nagorny Karabakh is an independent State and a territorial entity and accords it the status of a subject of a "common State" on equal footing with Azerbaijan. This proposal completely contradicts the principles and norms of international law, would deprive Azerbaijan of part of its territory and would in fact legitimize the Armenian aggression against Azerbaijan.

We consider that the Co-Chairmen of the OSCE Minsk Group, guided by the principles of international law, should have more effectively influenced the negotiation process and promoted the speediest settlement of the conflict, the restoration of the territorial integrity of Azerbaijan and the return of the refugees to their places of residence. As an integral part of Azerbaijan, Nagorny Karabakh can be granted the status of a high degree of self-government within the Azerbaijani Republic. Unfortunately, the Co-Chairmen basically occupied themselves with

mediation activities, without bringing to bear the necessary influence on the negotiation process in accordance with the norms of international law. The hopes that we have placed in the leaders of the OSCE Minsk Group, representing the Russian Federation, the United States of America and France, have not yet brought about the desired results.

Direct meetings between the Presidents of Armenia and Azerbaijan began in April 1999 in Washington on the initiative of the United States Administration. Since then, we have held numerous meetings with President Kocharian in Geneva, Moscow, Istanbul, Paris, Minsk, Davos, Yalta, and also on the border between our Republics.

In the course of our dialogue with the President of Armenia, we have basically been engaged in a search for mutually acceptable compromises in order to achieve a speedy and peaceful settlement of the conflict and establish long-term stable peace between Armenia and Azerbaijan. I should like to point out that, at the end of 1999, we were close to achieving a compromise. Armenia, however, reneged on the agreement reached.

During the difficult negotiations, the Armenian side has always had a rigid, unconstructive position. We cannot reach agreement because the position of the Armenian side at these negotiations is based precisely on the fact that it has the advantage, having occupied 20 per cent of the territory of Azerbaijan. Armenia has sought in every way possible to seize and annex part of the territory of Azerbaijan or achieve the status of independence for Nagorny Karabakh.

Unfortunately, as a result of our meetings, the Co-Chairmen of the OSCE Minsk Group have adopted a wait-and-see, passive position and have based their activities on the principle "What the Presidents agree upon will be acceptable to OSCE".

We consider that the meetings of the Presidents do not replace the activities of the Co-Chairmen of the Minsk Group. On the contrary, mutually complementing one another, they should ensure progress in the negotiation process in order to achieve a final settlement of the conflict.

In accordance with the principles and norms of international law and the Charter of the United Nations, the territorial integrity and inviolability of the borders of each independent State that is a Member of the United Nations must be observed by all and, particularly, OSCE, which has taken upon itself the responsibility for settling this conflict. OSCE and its Minsk Group must firmly adhere to these principles and promote in every way possible their strict observance.

The situation that has arisen today in the negotiation process is creating a dangerous precedent in international relations.

Instead of strictly observing the norms and principles of international law and strengthening them, the international community is showing indecisiveness. Such fundamental norms and principles of international law as the constancy of territorial integrity and inviolability of borders are being called into question, and this undermines the foundations of international practice, which has been established over the course of decades, and international law in order to please the 100,000 Armenians who live in the Nagorny Karabakh region of the Republic of Azerbaijan.

But peace, stability and security achieved as a result of recognition of military aggression cannot be stable or long-lasting.

Having explained the background of the situation that has come about in the Armenian-Azerbaijani Nagorny Karabakh conflict, I should like to state that Azerbaijan remains committed to peace and the observance of the ceasefire regime achieved as early as May 1994. We shall continue to strive to achieve a complete settlement of the conflict through peaceful means.

At the same time, everything that I have said, in my opinion, enables you to imagine the difficult situation that we are in. I therefore call upon the Co-Chairmen of the OSCE Minsk Group — the Russian Federation, the United States and France — to step up their efforts to halt the armed conflict and establish stable peace.

There is no need to point out that Azerbaijan, 20 per cent of whose territory is under occupation and hundreds of thousands of whose citizens are living in tents, is more interested than any one State in halting the conflict and establishing peace. It is clear that the establishment of peace between Armenia and Azerbaijan will be of immense importance also for stability and security throughout the southern Caucasus.

We came to this meeting with great hope and we are counting on the active efforts of the Co-Chairmen of the Minsk Group — the Russian Federation, the United States and France — as well as a constructive position on the part of the Republic of Armenia.